

Attachment 26 –  
Attachment 17 of Pamela Sihvola and LA Wood Letter June 7, 2005

Official Zoning Map  
of the  
City of Berkeley  
Index of Plates

Adopted by the Berkeley City Council on  
March 18, 1999 - Ordinance No. 6478-N.S.

Zoning Districts

- R-1 Single Family Residential
- R-1A Limited Two-family Residential
- R-2 Restricted Two-family Residential
- R-2A Restricted Multiple-family Residential
- R-3 Multiple-family Residential
- R-4 Multi-family Residential
- R-5 High Density Residential
- ES-R Environmental Safety-Residential

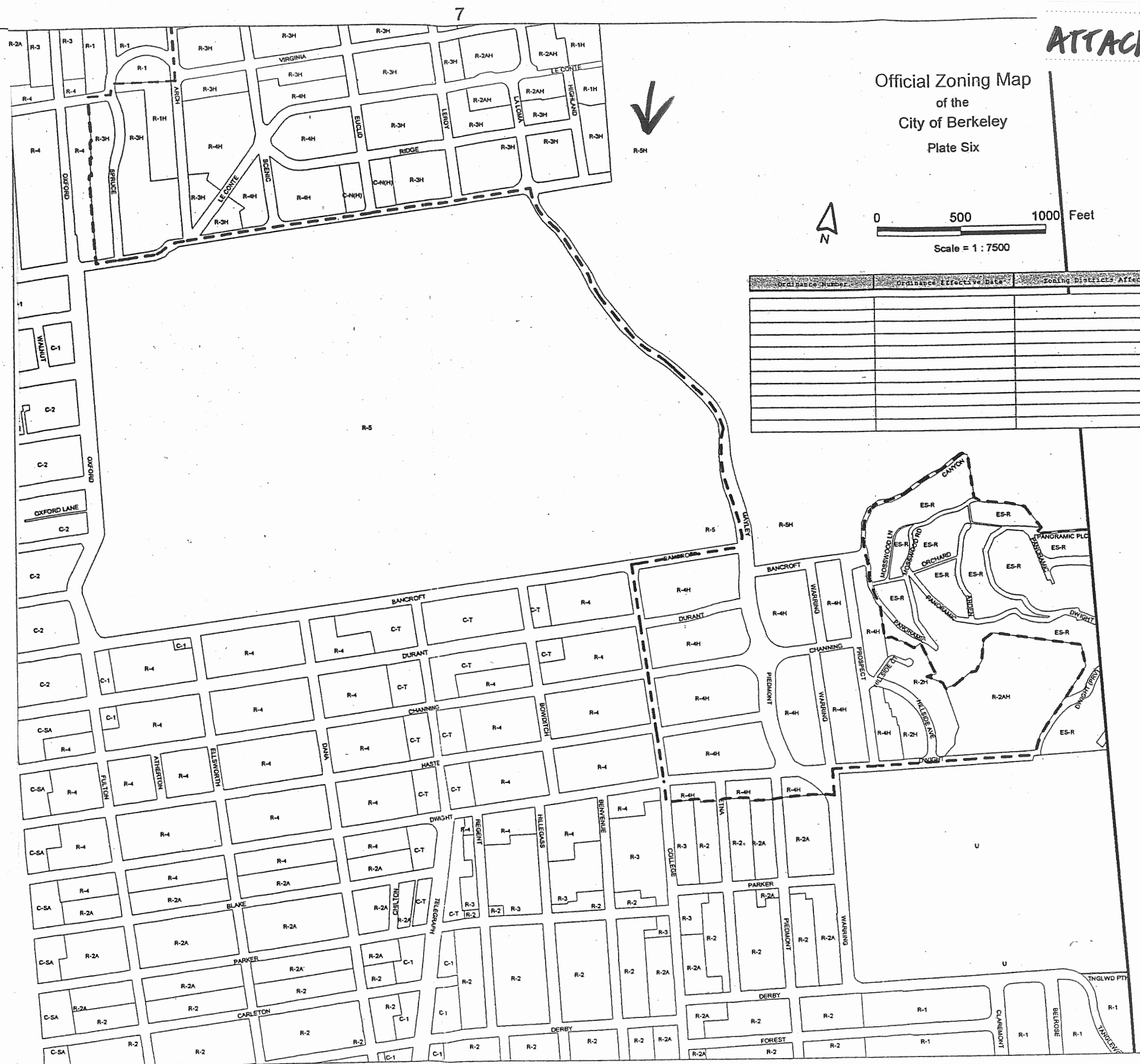
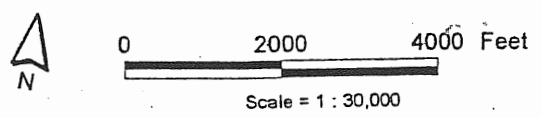
- C-1 General Commercial
- C-2 Central Commercial
- C-E Elmwood Commercial
- C-N Neighborhood Commercial
- C-NS North Shattuck Commercial
- C-SA South Area Commercial
- C-SO Solano Avenue Commercial
- C-T Telegraph Avenue Commercial
- C-W West Berkeley Commercial

- M Manufacturing
- MM Mixed Manufacturing
- MU-LI Mixed Use-Light Industrial
- MU-R Mixed Use-Residential

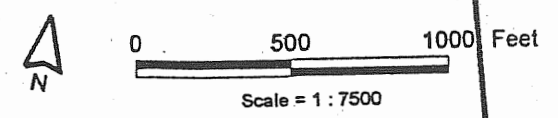
- SP Specific Plan
- U Unclassified
- H Hillside Overlay

Map Symbols

- Plate Index
- Hillside Overlay Boundary
- City Boundary



Official Zoning Map  
of the  
City of Berkeley  
Plate Six



Ordinance Number	Ordinance Effective Date	Zoning Districts Affected

Attachment 27 –  
Attachment A of Pamela Sihvola and LA Wood Letter June 7, 2005

**Committee to Minimize Toxic Waste**

Nov. 19, 2004

Dr. Waqar Ahmad, Project Manager  
Dept. of Toxic Substance Control  
700 Heinz Ave. Suite 200  
Berkeley, CA 94710

Dear Dr. Ahmad,

The Committee to Minimize Toxic Waste (CMTW) adamantly requests that the Department of Toxic Substance Control (DTSC) require the Lawrence Berkeley National Laboratory (LBNL) to include a review of the environmental impacts from the proposed continued operations of their Hazardous Waste Handling Facility (HWHF) in LBNL's Long Range Development Plan Environmental Impact Review (LRDP EIR) and that the DTSC postpone its decision regarding the LBNL's HWHF permit renewal application until after the LRDP EIR process is completed. We ask this for six (6) major reasons:

1. There was NO updated environmental review under the California Environmental Quality Act (CEQA) or the National Environmental Policy Act. DTSC allowed LBNL to rely on a 1997 Subsequent Mitigated Negative Declaration (which at the time was so opposed, and the extensive public outcry so great, LBNL was unable to meet its deadline to respond to all the comments. DTSC conveniently issued a Consent Order, allowing increased storage of "mixed" i.e. radioactive/hazardous waste. Following issuance of the Negative Declaration a lawsuit was filed supported by both the cities of Berkeley and Oakland!)
2. Members of the CMTW were denied by you, Dr. Ahmad, access to the 1997 Negative Declaration, the CEQA Initial Study and the Health Risk Assessment despite your notice stating "the full administrative record is available at: DTSC File Room, 700 Heinz Ave., Berkeley, CA 94710" where they met you for the purpose of reviewing these documents. (See enclosed 10/15/04 letter to Mohinder Sandhu from Pamela Sihvola and p.4 DTSC notices.)
3. Since 1997 important events have taken place that impact LBNL's permit, especially the continued threat of terrorists attacks on NUCLEAR FACILITIES (or in the case of LBNL'S HWHF, a non-nuclear facility storing nuclear waste! See 4. below) LBNL and its HWHF are a prime target with thousands of gallons of radioactive, mixed and hazardous waste being stored within the city limits of Berkeley and Oakland, surrounded by residential neighborhoods and University of California dormitories! A careful analysis must be provided as to what the health and environmental impacts would be if a plane flew into the HWHF when it was filled up to its storage capacity with radioactive, mixed and hazardous waste. The 1997 Safety Analysis Document (SAD) reviewed by DTSC, does not provide such worse case scenario.

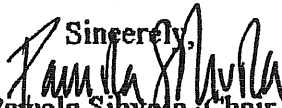
4. There are serious safety issues with the Hazardous Waste Handling Facility (HWHF). The EIR done in 1989/90 for the current HWHF (then called replacement HWHF) was for a nuclear facility. However, in the spring of 1994 LBNL decided, without benefit of a new EIR, to instead build a non-nuclear facility for the storage of nuclear wastes (eg. radioactive and "mixed", i.e. radioactive/hazardous) and hazardous waste. At that time LBNL had close to 39,000 curies of tritium (radioactive hydrogen) in inventory.
5. The total maximum permitted storage capacity for "mixed" (radioactive/hazardous) waste should be reduced because the National Tritium Labeling Facility, which produced the majority of the radioactive/hazardous waste, has been closed.
6. Of all the National Laboratories and other Federal facilities that generate, handle or store hazardous chemicals, radioactive waste, organic waste and mixed waste, LBNL is conspicuous by the lack of a normal and prudent buffer zone, a fundamental and essential component for operational safety. LBNL's location in a high density residential area prone to fire conflagrations like the one that destroyed around 3,000 homes in 1989, and situated directly on the active Hayward seismic fault require an honest and rigorous investigation of any facility handling the amounts and types of materials the HWHF currently does.

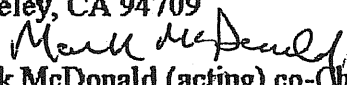
We also ask that you answer the following questions:

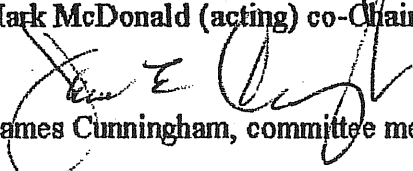
1. One of the conditions of LBNL's current permit is WASTE MINIMIZATION. Therefore, why not limit the storage capacity to 5000 gallons and ask LBNL to provide data showing how successful the WASTE MINIMIZATION program is with respect to hazardous, mixed and radioactive waste, division by division, with specific goals and milestones presented quarterly?
2. What are the current inventories of hazardous, mixed, including transuranic mixed, and radioactive wastes at LBNL's HWHF expressed both in curies and gallons? Please include curies and gallons for the transuranic (TRU) mixed waste which contain the following isotopes: Americium 241, 243, Californium 249, Cesium 137, Cobalt 57, Curium 243, 244, 248, Hydrogen 3, Manganese 54, Neptunium 237, Plutonium 238, 239, 240, 241, Protactinium 231, Thallium 204, Uranium 235.
3. What are the main transportation routes for the wastes referenced above? What time of the day are the waste shipments passing through numerous Berkeley neighborhoods? If during the day and during rushhour, this must be reevaluated.

4. Does the hazardous and radioactive mixed waste, generated by the Bevatron deconstruction, and its transportation, fall under the RCRA Part B permit and DTSC's jurisdiction? If not, under which agencies does it fall?
5. In the event of a release of chemical, radioactive, organic or mixed waste from the HWHF by accident or terrorist intent, what alarm or notification systems would be deployed to protect LBNL personnel, UC staff and students, local residents and surrounding communities?
6. What is the process by which LBNL decides to activate these alarms, if any?
7. What plans for emergency evacuation of the laboratory, UC and affected or at risk local neighborhoods does LBNL have in the event of an accidental or intentional release of these waste substances?
8. Have these plans been shared with UC, local city governments and the public?
9. Has there been any other planning or coordination with the city governments of Berkeley, Albany, Oakland, Kensington, El Cerrito or any other cities which may be affected by a release of the waste materials stored at the HWHF?

Thank you for your careful attention to the requests and questions we have raised. We look forward to your response.

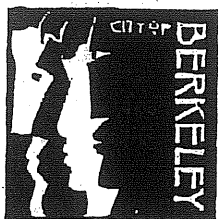
Sincerely,  
  
Pamela Sihvola, Chair  
Committee to Minimize Toxic Waste  
P. O. Box 9646  
Berkeley, CA 94709

  
Mark McDonald (acting) co-Chair

  
James Cunningham, committee member

c.c. Terry Tamminen, Secretary Cal EPA  
Steven Chu, Director, LBNL

Attachment 28 –  
Attachment B of Pamela Sihvola and LA Wood Letter June 7, 2005



Planning and Development Department  
Toxics Management Division

**ATTACHMENT B.**

October 5, 2004

Department of Toxic Substances Control  
Attn: Sal Ciriello  
700 Heinz Avenue, Suite 200  
Berkeley, California 94710

**Regarding:** Comments on Lawrence Berkeley Laboratory, Corrective Measures Study

Dear Mr. Ciriello:

The Toxics Management Division (TMD) has reviewed the Draft Corrective Measures Study (CMS) dated July 2004. The TMD is generally satisfied with the site restoration progress in identifying the chemical contamination concerns in soil and groundwater and is also satisfied with the variously proposed corrective measures. The general thrust to clean up to drinking water standards is acknowledged and we comment on ways to strengthen this goal.

The primary concern for the TMD has been to identify appropriate cleanup goals that would allow for the highest uses of the site and not limit it to "institutional" uses. The TMD understands that some areas of the site will not be cleaned up to the highest, most protective standard, primarily because of the limitations of technically feasible, and cost effective ways to bring these areas to the most protective cleanup standard. We would refer you to the Regional Water Quality Control Board (RWQCB), which has provided good guidance on how to meet the maximum contaminant levels (MCLs) as a "long term" objective. In the absence of MCLs, written controls and procedures should be submitted for review and approval to local agencies and the RWQCB prior to adoption.

The TMD is concerned with creating a patchwork of areas on the LBL campus that meet the state criteria for beneficial uses. These would be hard to map and regulate. The TMD would also like to see human health risk analyses determined more pathways of exposure. We would like to see bathing, washing, irrigation considered as exposure pathways. As with the RWQCB, we are prepared to consider that drinking is an unlikely pathway for exposure and that the MCL goals can be met in the not too distant future.



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Comments on Lawrence Berkeley Laboratory, Corrective Measures

In contrast, the CMS report presents the non-degradation policy and MCL as "goals" or "objectives" rather than a long term "requirement".

In presenting this report with limited risks due to limiting the pathways for exposure, we present the federal government with the excuses to stop payment for additional clean up to the highest standards possible.

The TMD has no specific comments on specific areas of concern in CMS report. Below I have reiterated the general comments for your convenience. These comments have been made on previous occasions by staff, the Community Environmental Advisory Commission and the City Council.

1. Historically, regulatory agencies have had difficulty maintaining controls for sites closed with contamination left in-place. Institutional controls are proposed for LBNL when the ILCR is greater than  $10^{-6}$  calculated for pathways that include bathing, irrigation etc, or when the HI is greater than 1. The TMD would like to review the proposed policies and procedures and details of the specific controls that will be implemented.
2. There are some controls that the TMD would consider problematic. Examples are declaring groundwater of no potential beneficial use as a drinking water source due solely to contamination and land-use restrictions for the property.

Should you have any additional queries, please do not hesitate to contact Geoffrey Fiedler or myself.

Sincerely,

N. HADITHY

Nabil A Al-Hadithy, PhD  
Toxics Management Division

Cc: Geoffrey Fiedler, TMD  
Wendy Cosin, Deputy Director of Planning and Development  
Michael Rochette, RWQCB, 1515 Clay Street, Suite 1400, Oakland, CA 94612

Attachment 29 –  
Attachment C of Pamela Sihvola and LA Wood Letter June 7, 2005

**ATTACHMENT C.**

To: Mayor Tom Bates and Berkeley City Council  
From: Tom Kelly, Chair, CHC  
Date: May 15, 2005  
Re: Lawrence Berkeley National Laboratory's (LBNL) Corrective Measures Study/Cleanup Plans

Dear Mayor Bates and members of the Berkeley City Council,

The Community Health Commission has authorized me to send this letter to you and City staff recommending that the City of Berkeley insist upon a comprehensive soil and groundwater cleanup of the various contaminants that have been leaked from Lawrence Berkeley National Laboratory (LBNL) facilities into the soil and groundwater near the headwaters of Strawberry Creek.

The City of Berkeley's Toxics Management Division (TMD) has expressed its concern that the current cleanup plan addresses only a relatively small portion of the contaminated area. TMD believes that the soil and groundwater should be restored to a "beneficial use" standard rather than the lower "institutional use" standard that is proposed by LBNL. The CHC concurs.

The CHC makes the following recommendations on behalf of the residents of the City:

- 1) That LBNL conduct a comprehensive clean up of all the contaminated soils and groundwater to the highest possible level, and
- 2) That the responsible State agency, the Department of Toxic Substances Control sponsor a representative Citizen Watershed Advisory Group that would participate in the corrective measures implementation phase of the corrective action process.

Since the contaminated plumes are still fairly well contained, and since exposure to any and all of these contaminants can cause serious negative health effects, it seems both cost effective and health protective to remove as much of the contamination as is possible. LBNL may not always remain on this site, but the City of Berkeley undoubtedly will, so it seems only fair that LBNL be responsible for the contamination it has created and not leave the problem to future generations of Berkeleyans to resolve.

Sincerely,

Thomas Kelly

cc: City Manager  
City Clerk  
Poki Namkung, Health Officer  
Kristin Tehrani, Secretary CHC